THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16040 of 2006

Dated: 04-09-2006

Between:

Bokka Satyanarayana and another.

..... PETITIONERS

AND

The Revenue Divisional Officer, Narsapur,
and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.16040 of 2006

ORDER:

The two petitioners are residents of Vemuladeevi Village in Narsapur Mandal, West Godavari District. In 1994, they obtained pattadar passbooks (PPBs) and title deeds from the second respondent, namely, the Mandal Revenue Officer (MRO), in respect of the land admeasuring about Ac.1.01 cents comprised in survey No.532/4 situated in the said Village. On 03-12-2005, the third respondent filed an application before the first respondent, namely, the Revenue Divisional Officer (RDO), for cancellation of said PPBs and title deeds. By the impugned order dated 12-04-2006, RDO cancelled the record of rights in favour of the petitioners on the ground that they obtained PPBs from MRO without any documents in their favour. The said order is challenged in the present writ petition.

The learned counsel for the petitioners, *inter alia,* contends that RDO has no power to pass such orders. In the alternative, he submits that even according to the powers of RDO as specified under Sub-Rule (2) of Rule 13 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, exercise of such power requires a prior notice to the persons who are adversely affected by the decision of RDO.

Per contra, the learned counsel for the third respondent points out that when the enquiry was conducted by RDO, the petitioners did not produce any document in their favour and therefore, an inference can be drawn that a notice was issued to the petitioners. He also points out that against the impugned order, a revision would lie to the Joint Collector under Section 9 of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act).

It is not possible to clearly make out from the impugned order whether any notice was issued to the petitioners or not. This is a matter which requires verification. Therefore, it would be in the interests of the petitioners as well as the third respondent to give liberty to the petitioners to approach the Joint Collector, Eluru, West Godavari, by way of a revision petition under Section 9 of the Act. As and when such revision is filed, the Joint Collector may entertain the same and pass appropriate orders within a period of six weeks thereafter, after issuing notice to the petitioners, the third respondent and all other interested parties. Till such time, there shall be *status quo* as on today.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

4th September, 2006
ghn